

SAUSA: Daniel K. Roque

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

SHAMEL HARDY,
a/k/a "Jason Polanco,"

Defendant.

24 MAG 4392

SEALED COMPLAINT

Violations of 18 U.S.C. § 922(g)

COUNTY OF OFFENSE:
BRONX

SOUTHERN DISTRICT OF NEW YORK, ss.:

JAMA JOSEPH, being duly sworn, deposes and says that he is a Detective with the New York City Police Department ("NYPD"), and charges as follows:

COUNT ONE

(Possession of a Firearm After a Felony Conviction)

1. On or about March 16, 2024, in the Southern District of New York and elsewhere, SHAMEL HARDY, a/k/a "Jason Polanco," the defendant, knowing he had previously been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed a firearm, to wit, a loaded 9 mm Beretta pistol, with serial number U179537, and the firearm was in and affecting commerce.

(Title 18, United States Code, Section 922(g)(1).)

The bases for my knowledge and for the foregoing charges are, in part, as follows:

2. I am a Detective with the NYPD, and I have been involved in the investigation of this matter. I base this affidavit on that experience, as well as on my conversations with other law enforcement agents, and my examination of various reports and records. Because this affidavit is being submitted for the limited purpose of demonstrating probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

3. Based on my conversations with two NYPD officers ("Officer-1" and "Officer-2"), my review of reports written by the officers, and my review of body-worn camera footage, I have learned the following:

- a. On or about March 16, 2024, Officer-1 and Officer-2 were on patrol with two other officers, including an NYPD sergeant, in an unmarked police vehicle, which was travelling down University Avenue in the Bronx, New York. The officers were patrolling that area because of recent shootings and violence that had occurred in

the proximity. Officer-1 was in the rear passenger seat of the police vehicle and Officer-2 was in the front passenger seat.

- b. At approximately 12:40 a.m., Officer-1 and Officer-2 observed a man, later identified as SHAMEL HARDY, a/k/a "Jason Polanco," the defendant, walking down University Avenue in what each considered a distinctive manner. Officer-1 described that HARDY appeared to be hyper vigilant, and kept checking behind himself. Officer-1 described that he saw HARDY walking backwards at one point. Officer-1 observed HARDY pass two other individuals sitting on a stoop. Officer-1 stated that he saw HARDY stared at the two individuals, and appeared to jostle his waistband while staring.
- c. A few moments later, when HARDY began walking again, the police vehicle drove up to where HARDY was walking, and the officers inside the vehicle gestured at the man to stop, and told HARDY they were police officers. HARDY stopped for a moment, did not respond, and kept walking.
- d. The police car drove up to catch to HARDY, and officers asked him to stop again. Officer-1 and Officer-2 exited the car to address HARDY. Officer-1 was to HARDY's left. Officer-2 was closest to HARDY, and Officer-1 observed HARDY hold out a black plastic bag to Officer-2, while keeping his body back. Officer-1 saw the handle of what appeared to be a firearm in the man's waistband. After another moment, HARDY started to run.
- e. Officer-1 and Officer-2 began to chase HARDY, while the police officers in the car drove to follow as well. Officer-1 believed he saw HARDY throw something while running. Officer-1 then observed the man trip, and tackled him. After Officer-2 had secured HARDY, Officer-2 patted the man, and felt a hard object in his pants consistent with a firearm. Officer-2 and other officers unzipped the man's pants, and retrieved a firearm (the "Firearm"). The officers then arrested the man.
- f. The Firearm was later identified as a loaded 9 mm Beretta pistol, with serial number U179537. A photograph of the Firearm is below:



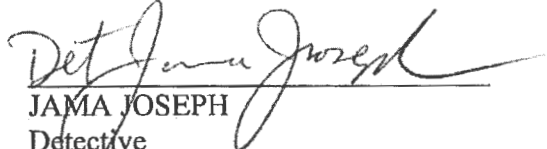
4. Based on my review of reports written by a law enforcement officer, after his arrest, NYPD officers recovered from the person of SHAMEL HARDY, a/k/a "Jason Polanco," the defendant, a wallet. Within that wallet officers found identification documents for "Jason Polanco." Later, officers fingerprinted HARDY, in the course of processing him post-arrest. These fingerprints were uploaded to a national database.

5. Based on my conversations with law enforcement officers, I have learned that after the NYPD officers took the fingerprints for the man who had been arrested, a federal probation officer learned that these fingerprints matched those of SHAMEL HARDY, a/k/a "Jason Polanco," the defendant, who as described below was on federal supervised release and had previously been fingerprinted as part of prior arrests.

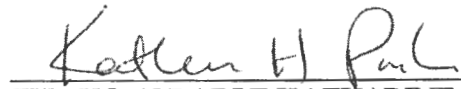
6. Based on my review of a criminal history report for SHAMEL HARDY, a/k/a "Jason Polanco," the defendant, and my involvement in this investigation, I have learned, among other things, that on or about August 25, 2011, HARDY was arrested and presented in the Southern District of New York on charges of narcotics conspiracy. According to the report, HARDY was incarcerated pending trial. On or about July 28, 2014, after he pleaded guilty to a charge of distribution of narcotics, in violation of Title 21, United States Code, Section 841, and had been incarcerated the entire period, HARDY was sentenced to time served and six years supervised release. On September 14, 2017, HARDY was sentenced for violations of supervised release to a term of imprisonment and five years supervised release. On December 21, 2020, HARDY was sentenced for violations of supervised release to a term of imprisonment and thirty months supervised release.

7. I have communicated with a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF") who is familiar with the manufacture of firearms and who confirmed that the Firearm was manufactured outside of the State of New York.

WHEREFORE, I respectfully request that a warrant be issued for the arrest of SHAMEL HARDY, a/k/a "Jason Polanco," the defendant, and that he be arrested, and imprisoned or bailed, as the case may be.


JAMA JOSEPH
Detective
New York City Police Department

Sworn to me through the transmission of ~~this Complaint by reliable electronic means (telephone)~~; this 20 day of December, 2024. *in person*


THE HONORABLE KATHARINE H. PARKER
United States Magistrate Judge
Southern District of New York